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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,763	11/10/2003	Matt Clark	109927-135180	4383

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EXAMINER

HUYNH, CHUCK

ART UNIT PAPER NUMBER

2683

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,763	CLARK ET AL.	
	Examiner	Art Unit	
	Chuck Huynh	2683	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, due to the indefinite nature of the claim, it is unclear what Applicant is claiming. Claim 1 recites wherein said service request comprises a selected command embedded in a solution provided to the client device, It is uncertain if Applicant is claiming a command embedded in the request signal or a response to a command embedded in the solution provided to the client device. Therefore Examiner has interpreted the claim to be inherent, in claiming the ability of the client to command/initiate a request using the client device with a command embedded in the command/request.

Regarding claim 7, it is uncertain if Applicant is claiming a command being one of the commands in the command list or a command in that list only and no other commands can be performed. Examiner interprets that the command is a purchasing command.

Regarding claim 9, it is uncertain if Applicant is claiming a response type being one of the responses in the response list or a response in that list only and no other responses can be performed. Examiner interprets that the response is a status response.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Cline et al. (hereinafter Cline).

Regarding claim 1, Cline discloses a computer implemented method of handling a data service request from a client device, the method comprising:

receiving by a server, a data service request from the client device (Page 1-2, [0012], [0015] – [0020]);

determining by the server, a service response to said data service request and a vendor providing said data service (Page 1-2, [0017] – [0020]);

communicating said data service request from the server to said vendor in accordance with an application programming interface (API) prescribed by the Server (Page 2, [0019]);

processing by the server, a vendor supplied response to create a solution set (is interpreted as providing a request service) for said data service request (Page 2, [0018-0019], [0027-0028]; Fig. 1); and

communicating said solution set from the server to the client device (Page 2, [0018-0019], [0027-0028]; Fig. 1).

Regarding claim 2, the method of Claim 1, wherein said solution set comprises a dynamically generated request for additional information (Page 1, [0016]; the form in Fig.1, no.134).

Regarding claim 3, the method of Claim 1, wherein processing said vendor supplied response comprises applying a predetermined solution template (XML templates or XSLT: Page 1-2, [0017], [0019]).

Regarding claim 4, the method of Claim 3, wherein said predetermined solution template is an XSLT (Page 1-2, [0017], [0019]).

Regarding claim 5, Cline does disclose the method of Claim 1, wherein said service request comprises a plurality of concepts ('concepts' is interpreted as requested specified data indicated by client Page 1, [0016, 0017]).

Regarding claim 6, due to the indefinite nature of the claim, Cline discloses the method of Claim 1, wherein said service request comprises a selected command embedded in a solution provided to the client device (which is interpreted as an inherent ability of the client to command/initiate a request using the client device Page 1, [0016]).

Regarding claim 7, Cline does disclose the method of Claim 6, wherein said command is selected from the group consisting of submit concepts, accept, reserve, purchase, cancel, do, get info request, get info, get status, get concepts, check health and acknowledge response (purchasing, Page 2, [0025]).

Regarding claim 8, Cline discloses the method of Claim 1, wherein said vendor supplied response is of a predetermined response type (a base schema with a common service vocabulary; Page 1, [0017]).

Regarding claim 9, Cline discloses the method of Claim 8, wherein said predetermined response type is selected from the group consisting of: search, accept, reserve, purchase, cancel, status, info request, info, concepts, message, health and acknowledge reply (status, Page 2, [0018]).

Regarding claim 10, Cline discloses the method of Claim 1, wherein said vendor supplied response comprises at least one of a result, transaction data, message, dynamic concepts, info request, and auxiliary message (Page 2, [0018], Page 1, [0015]).

Regarding claim 11, Cline discloses the method of Claim 1, wherein said solution set comprises a plurality of elements selected from html files, custom menus, custom buttons, calendar information, favorites information and text information (this is interpreted to be the server initiating a response according to the client's requested information and based on client's provided information (Page 1, [0017])).

Regarding claim 12, Cline discloses the method of Claim 12, further comprising updating a local application data structure with at least one of said elements (Page 2, [0017], [0027]).

Regarding claim 13, Cline discloses the method of Claim 1, further comprising:
receiving by said server, a data service command from the client device (Page 1, [0016]; Page 1-2, [0012], [0015] – [0020]);

determining by the server, a service response to said data service command and
a vendor responsive to said data service command (Page 1-2, [0017] – [0020]);

communicating said data service command from the server to said vendor in accordance with an application programming interface (API) prescribed by the server (Page 1-2, [0017] – [0020]);

processing by the server, a vendor supplied response to create a solution set for said data service command (Page 2, [0018-0019], [0027-0028]; Fig. 1); and

communicating said solution set from the server to the client device (Page 2, [0018-0019], [0027-0028]; Fig. 1).

Regarding claim 14 it is inherent within Cline's disclosure to include a computer readable medium containing computer executable instructions for performing the actions of the method of any of Claims 1-13.

Regarding claim 15, it is inherent within Cline's disclosure that a computer system having a processor and a memory coupled to the processor containing computer executable instructions operative to perform the actions of the method of any of Claims 1-13.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Devarakonda; Murthy et al. discloses a Virtual environment manager for network computers

Baer; William J. et al. discloses a Configurable and extensible system for deploying asset management functions to client applications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Huynh



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